

(1) A DWELLING; OR

(2) A STRUCTURE IN OR ON WHICH AN INDIVIDUAL WHO IS NOT A PARTICIPANT IS PRESENT.

(B) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF THE FELONY OF ARSON IN THE FIRST DEGREE AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 30 YEARS OR A FINE NOT EXCEEDING \$50,000 OR BOTH.

(C) PROHIBITED DEFENSE.

IT IS NOT A DEFENSE TO A PROSECUTION UNDER THIS SECTION THAT THE PERSON OWNS THE PROPERTY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, §§ 6 and 5(d).

Subsection (a) of this section incorporates the substance of the term "occupied structure", formerly defined in Art. 27, § 5(d), in the prohibited act relating to burning of an occupied structure, because the defined term was only used once, in the source material for this section.

Subsection (c) of this section is revised as a prohibited defense rather than as a qualification of affected property for clarity.

Defined terms: "Dwelling" § 6-101

"Maliciously" § 6-101

"Person" § 1-101

"Willfully" § 6-101

6-103. ARSON IN THE SECOND DEGREE.

(A) PROHIBITED.

A PERSON MAY NOT WILLFULLY AND MALICIOUSLY SET FIRE TO OR BURN A STRUCTURE THAT BELONGS TO THE PERSON OR TO ANOTHER.

(B) PENALTY.

A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF THE FELONY OF ARSON IN THE SECOND DEGREE AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 20 YEARS OR A FINE NOT EXCEEDING \$30,000 OR BOTH.

(C) PROHIBITED DEFENSE.

IT IS NOT A DEFENSE TO A PROSECUTION UNDER THIS SECTION THAT THE PERSON OWNS THE PROPERTY.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 7.

In subsection (a) of this section, the reference to a structure "that belongs to" the person or to another is substituted for the former reference to a